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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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MERCK EPROVA AG,	:	Case no. 07 Civ. 5898 (RJS)
	:	
Plaintiff,	:	NOTICE OF MOTION
	:	UNDER FED. R. CIV. P.
-against-	:	12(B)(2) TO DISMISS FOR
	:	LACK OF JURISDICTION
GNOSIS S.P.A. and GNOSIS BIORESEARCH S.A.,	:	
	:	
Defendants.	:	
-----	X	

PLEASE TAKE NOTICE that, upon the annexed Declaration of Bryon L. Friedman, dated February 1, 2008, together with the exhibits annexed thereto, the annexed affidavit of Renzo Berna, and the accompanying Defendants' Memorandum of Law in Support of Motion under Fed. R. Civ. P. 12(b)(2) to Dismiss the First Amended Complaint for Lack of Personal Jurisdiction dated February 1, 2008, and upon all prior pleadings and proceedings had herein, the Defendants Gnosis S.p.A. and Gnosis Bioresearch S.A., will move this Court on the 21st day of March, 2008, before the Honorable Richard J. Sullivan, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21C, New York, New York 10007, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(2) dismissing the plaintiff's first amended

complaint for lack of *in personam* jurisdiction, and awarding such other and further relief that the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to section 2(E) of the Individual Practices of Hon. Richard J. Sullivan, oral argument, if any, will be on a date and time designated by the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order of this Court, answering papers shall be served on or before February 29, 2008, and reply papers shall be served on or before March 21, 2008.

Dated: Purchase, New York
February 1, 2008

Yours, etc.,

LITTLETON JOYCE
UGHETTA PARK & KELLY LLP

By: /s/
Bryon L. Friedman (BF 5752)
1 Manhattanville Road, Suite 302
Purchase, New York 10577
(914) 417-3400
File no. 00080.00001

Attorneys for Defendants

TO:

ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016
Attn: Robert E. Hanlon, Esq.

CERTIFICATE OF SERVICE

I, BRYON L. FRIEDMAN, an attorney duly admitted to practice law before this court, declares as follows under the penalties of perjury:

On February 1, 2008, I caused the annexed NOTICE OF MOTION UNDER FED. R. CIV. P. 12(B)(2) TO DISMISS FOR LACK OF JURISDICTION, together with the annexed exhibits including AFFIDAVIT OF RENZO BERNA and DECLARATION OF BRYON L. FRIEDMAN, to be served by Federal Express upon:

ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016
Attn: Robert E. Hanlon, Esq.

Dated: Purchase, New York
February 1, 2008

/s/

Bryon L. Friedman, Esq.